

Docket No.: BOC9-2003-0077 (448)

**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**AUTOMATICALLY INITIATING AN INSTANT MESSAGING ACTION WHEN  
A SUBSCRIBER'S AVAILABILITY STATUS CHANGES**

the specification of which is attached hereto and identified by the Attorney Docket Number appearing above.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			
<u>Number</u>	<u>Country</u>	<u>Day/Month/Year</u>	<u>Priority Claimed</u>

I hereby claim the benefit (a) under Title 35, United States Code, § 119(e) of any U.S. application listed below and identified as a provisional application, or (b) under Title 35, United States Code, § 120 of any U.S. application listed below and not identified as a provisional application, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior U.S. application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information material to the patentability of this application as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

Prior U.S. Application(s)		
<u>Serial Number</u>	<u>Filing Date</u>	<u>Status</u>

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

{WP159782;1}

1 of 2

Express Mail Label No.: EV 346756647 US

Docket No.: BOC9-2003-0077 (448)

As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

J. Rodman Steele, Jr.	Reg. No. 25,931	Theodore M. Green	Reg. No. 41,801
Gregory A. Nelson	Reg. No. 30,577	Michael K. Dixon	Reg. No. 46,665
Joseph W. Bain	Reg. No. 34,290	Sarah E. Smith	Reg. No. 50,488
Stanley Kim	Reg. No. 42,730	Amy A. Ostrom	Reg. No. 52,088
Mark D. Passler	Reg. No. 40,764	Brian K. Buchheit	Reg. No. 52,667
Kevin T. Cuenot	Reg. No. 46,283	Margaret J. McLaren	Reg. No. 53,303
Neil R. Jetter	Reg. No. 46,803	Peter A. Chiabotti	Reg. No. 54,803
Pablo Meles	Reg. No. 33,739	Richard A. Tomlin	Reg. No. 24,449

Send correspondence to Gregory A. Nelson, Akerman Senterfitt, 222 Lakeview Avenue, Fourth Floor, P.O. Box 3188, West Palm Beach, Florida 33402-3188 and direct all telephone calls to Gregory A. Nelson at (561) 653-5000.

First Inventor:	Keith A. Thuerk	
Signature:		12/3/03
Residence:	Southlake, TX	Date
Citizenship:	U.S.	
Post Office Address:	1402 White Wing Court, Southlake, TX 76092	